

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
November 2, 2016

The Lake County Planning and Zoning Board met on Wednesday, November 2, 2016, in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, November 22, 2016 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Kathryn McKeeby, Secretary	District 1
Laura Jones Smith	District 2
Timothy Morris, Vice Chairman	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Kasey Kesselring (arrived at 9:07 a.m.)	At-Large Representative
Debbie Stivender	School Board Representative

Members Not Present:

Donald Heaton	Ex-Officio Non-Voting Military
---------------	--------------------------------

Staff Present:

Steve Greene, AICP, Chief Planner, Planning & Zoning Division
Tim McClendon, Planning & Zoning Division Manager
Michele Janiszewski, Chief Planner, Division of Planning & Zoning
Melving Isaac, Senior Planner, Division of Planning & Zoning
Christine Rice, Planner, Division of Planning & Zoning
Donna Bohrer, Office Associate, Planning & Zoning Division
Luis Guzman, Assistant County Attorney
Susan Boyajan, Deputy Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:00 a.m. and noted that a quorum was present and that the meeting had been duly advertised. He led the Pledge of Allegiance, and Tim Morris gave the invocation. He asked if anyone wanted to make a public comment on something that was not pertaining to any of the zoning cases on the agenda, but no one wished to speak at that time.

Debbie Stivender indicated that she wanted to comment regarding Tabs 2, 5, 6, and 7 prior to voting on the Consent Agenda; however, she did not wish to pull those items and noted that the comments would not be negative or lengthy.

TABLE OF CONTENTS

Agenda Updates

Consideration of Minutes: October 5, 2016

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 1	RZ-16-32-1	Osmond Property
Tab 2	RZ-16-26-2	Creech-Caldwell
Tab 3	RZ-16-25-5	Shadow Oak Farms LLC
Tab 4	RZ-16-22-5	Broome Property
Tab 5	NOPC-2016-02-1	Cagan Crossings NOPC
Tab 6	FLU-2016-09-1	Cagan Crossings
Tab 7	NOPC-2016-01-1	Summer Bay DRI NOPC
Tab 8	RZ-16-24-1	Summer Bay PUD Amendment

REGULAR AGENDA

Tab 9 Ordinance 2016-XX Medical Marijuana Moratorium

Other Business

Adjournment

MINUTES

MOTION by Tim Morris, **SECONDED** by Kathryn McKeeby to **APPROVE** the Minutes of October 5, 2016 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Bryan, Morris, McKeeby, Gonzalez, Smith, Stivender, Kesselring

AGAINST: None

MOTION CARRIED: 7-0

PUBLIC COMMENT

No one wished to address the board at this time.

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Planning and Zoning Division, Economic Growth Department, noted that the cases had been duly advertised as shown on the monitor and that the only change to the Agenda would be to pull Tab 9 off of the Consent Agenda and to place it on the Regular Agenda, since they have received a request for discussion of that item from Mr. Rick Gonzalez, who is a Planning & Zoning Board member.

CONSENT AGENDA

Ms. Stivender commented that she did not see any comments from the School Board for Tab 2 regarding the increase of density, noting that most of the schools in South Lake are over capacity. She asked Mr. Greene to check and let her know whether there was any statement from the School Board before that case is heard by the BCC. Regarding Tab 5, she pointed out that the School Board worked in agreement with Mr. Cagan and his organization to purchase property in the area in order to build a much-needed school there, and she publically thanked him and his organization for that. She commented that she appreciated Summer Bay reducing their density regarding the rezoning case under Tab 7, since that will help the schools in that area, and she encouraged the developer to continue to work with the School Board. She added that they want their development but want to make sure there is capacity for the students from those developments.

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 1	RZ-16-32-1	Osmond Property
Tab 2	RZ-16-26-2	Creech-Caldwell

added that it is already legal, and a dispensary located in Tallahassee had to comply with a 2,000-page technical application. He specified that the Florida Medical Marijuana Act, Chapter 381.986, already contains several pages of requirements for licensing. He related that Alachua County failed to pass a similar ordinance and instructed County staff to review, study, and prepare a comprehensive plan and code of amendments to regulate marijuana distribution facilities, which he opined is what Lake County should do instead. He concluded that he did not think they should pass this ordinance stemming from a “knee-jerk” reaction.

Ms. Marsh responded that the growing facilities under low THC are regulated by the state, and there are only six permitted within the state. She elaborated that they assume that the Department of Health will institute similar parameters, but it will be very difficult to regulate on a local level in the meantime. She explained that local government is only permitted to regulate zoning and location under the current low-THC regulations, and part of the discussion has concerned whether every individual city and county creates their own regulations, which will be pre-empted by the state such as with firearms and alcohol. She concluded that this moratorium would be limited to six months in order to give them time to observe the state’s actions regarding this issue.

Mr. Bryan commented that he did not believe this ordinance was the result of a “knee-jerk” reaction.

Mr. Gonzalez asked if this ordinance was only concerning retail activities.

Ms. Marsh responded that the ordinance would put a moratorium on all avenues having to do with medical marijuana.

Ms. Laura Jones Smith commented that she understood that the six-month timeframe will give the County time to respond to how the state will handle the issue if the amendment passes, but she expressed concern that the County will add more time onto the moratorium in the future, which will prevent activity from happening within Lake County. She opined that although the storefront concern is legitimate, the growing operation has nothing to do with the retail component, noting that there was a lot of agricultural land in this county that could easily be used for that purpose. She stated that she would like to see the agricultural component removed at the very least and that this address only storefront openings.

Ms. McKeeby replied that she did not think they could separate the storefront from the other issues.

Ms. Smith responded that the ordinance could prohibit dispensing business tax receipts for the retail sale as opposed to the production of marijuana.

Mr. Gonzalez opined that the moratorium was not needed, since he does not believe that there will be a mechanism in place for licensing medical marijuana businesses in the next six months.

Mr. Kesselring commented that as an educator, he has seen some increase in children getting possession of THC-induced candies; however, he noted that he was a full supporter of medicinal marijuana usage as approved by the state, although there are some far-reaching ancillary things that go along with this issue. He also commented that he was in favor of economic opportunities for those businesses that engage in the legal growing of marijuana for medicinal purposes, and he thinks the six-month period is reasonable to make sure that the County proceeds cautiously.

Ms. Marsh announced that this ordinance will go before the BCC for the second and final public hearing on November 8 and invited the P&Z Board members to go before the BCC during that public hearing, as well as discuss this issue with the individual County Commissioners.

MOTION by Kasey Kesselring, SECONDED by Kathryn McKeeby to APPROVE the Ordinance regarding the Medical Marijuana Moratorium in Tab 9 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Bryan, Morris, McKeeby, Kesselring

AGAINST: Gonzalez, Stivender, Smith

MOTION CARRIED: 4-3

OTHER BUSINESS

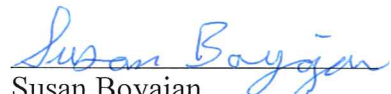
Mr. Greene reminded everyone that the next Planning and Zoning Board meeting will be November 30.

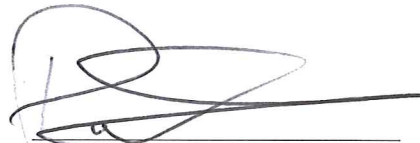
Mr. Bryan thanked Ms. Stivender for her service on the P&Z Board, as well as for her service as a County Commissioner, a School Board member, and an employee of the County.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:21 a.m.

Respectfully submitted,


Susan Boyajan
Clerk, Board Support


Paul Bryan
Chairman